(22)

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P.No. 157 of 2007

APPLICANT/ PETITIONER — Ghanshyam S/o Chhaganlal Agrawal, aged about 48 years, R/o Ramsagar Para, Raipur, Tahsil and District Raipur (C.G.)

Versus

RESPONDENT — Kamla Bai W/o Ghanshyam Agrawal, aged about 47 years, R/o Salhewara, Tahsil – Chhuikhadan, District Rajnandgaon (C.G.)

Residing at C/o Shri Shyam Sharma, Opposite K.K. Singhal, B/4 Navneet Dairy, Gurunanak Market Ram Nagar, Supela, Bhilai District Durg (C.G.)

Petition under Section 482 of Cr.P.C.

Appearance:

Shri Sachin Singh Rajput, Counsel for the petitioner.

None for the respondent.

ORAL ORDER
(04.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

This petition is directed against the order dated 14.03.2007 passed in Criminal Revision No. 10/2007 by the Additional Sessions Judge, Khairagarh, District Rajnandgaon. The aforesaid revision was filed against the order dated 11.12.2006 passed in Misc. Criminal Case No. 79/2006 by the Additional Chief Judicial Magistrate, Khairagarh, whereby the said Court had rejected a preliminary objection raised by the petitioner regarding territorial jurisdiction under 127 of Cr.P.C. for alteration of the amount of monthly maintenance awarded to the respondent.

The brief facts are that in a proceeding under Section 125 Cr.P.C., the respondent was awarded monthly maintenance of Rs.1,100/- on 18.06.2004 by the Court of Additional Chief Judicial Magistrate. After the lapse of about more than 2 years, on

1.8.2006, the respondent wife filed an application for alteration of the maintenance amount before the same Court under Section 127 Cr.P.C. showing her to be the resident of Village Salhewara, Tahsil Chhuikhadan, District Rajnandgaon, which admittedly comes within the territorial jurisdiction of the said Court. On such application being filed, the petitioner raised an objection that now the respondent is not the resident under the territorial jurisdiction of the said Court, therefore, this application filed under Section 127 Cr.P.C. would not be maintainable. The trial Court rejected this objection observing that according to the contents of the application, respondent was residing within the territorial jurisdiction of the said Court and such objection cannot be decided at the threshold. The same views taken by the revisional Court.

I have gone through the order passed by the revisional Court. Admittedly, as stated by learned counsel for the petitioner, earlier the order was passed by the Additional Chief Judicial Magistrate, Khairagarh on 18.6.2004 and thereafter, the respondent filed an application for alteration of the amount in the same Court showing her same address, which was mentioned in the original petition filed under Section 125 Cr.P.C.

In this view of the matter, there appears to be no illegality in the orders passed by the two Courts below, when the petition was held to be maintainable on the address shown by the respondent and the point of territorial jurisdiction was overruled by them.

I do not find any reason to interfere with the orders passed by the Courts below.

The petition has no merits and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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